

## WAGE EDICT FAVORS TEXTILE WORKERS

War Board Decides on Temporary Basis of 5 Day Week With 8 1-2 Hours.

AFFECTS MILLS IN EAST

Labor Leaders Estimate 90 Per Cent. of Strikers Will Be at Work Monday.

CHICAGO, Feb. 13.—A decision which is expected to end the strike of Eastern textile workers was given by the War Labor Board to-night, when a temporary basis of an eight and one-half hour day and a five day week was announced. It was estimated by labor leaders that at least 90 per cent. of the employees would resume work on Monday.

The board acted on the petition of both employers and employees, who urged that it was their common purpose to counteract radical movements, and asked that a temporary working basis be arranged. They said they sought a moderation of working hours and would leave wage adjustments for the future.

Thomas F. McMahon, vice-president of the United Textile Workers of America, said: "I believe that at least 90 per cent. of the employees will return to work and await the further hearing of their grievances by the War Labor Board and its final award. There are a few isolated spots where the I. W. W. is in power, and in those places the decision may not be followed."

James Starr, a labor representative, told the board that the workers were locked out after agreeing to go to work a half hour later each day in their attempt to have the working week reduced from the average of fifty to forty-four hours.

While the workers seek an eight hour day and a half holiday on Saturday, labor leaders said they would accept eight and one-half hours and a half day on Saturday.

The decision is expected to affect not fewer than 40,000 workers directly and 100,000 indirectly, with 500 mills involved.

## PATERSON STRIKERS HOPEFUL OF VICTORY.

Board's Decision Gives Promise of Complete Success.

The Paterson silk workers and manufacturers were notified by long distance telephone of the action taken by the War Labor Board in Chicago yesterday. The strikers regard the announcement as a promise of complete victory to come. They have been standing for a forty-seven hour week, while the manufacturers want a fifty hour week.

Meetings of strikers will be held at 10 o'clock to-day to determine when they shall return to work under the provisional arrangement. The manufacturers had no comment to make on the Chicago decision, but there is no doubt they will obey the terms.

The strike began February 3 and enrolled 27,000 workers until Tuesday, when it was found the number had decreased to 17,000 by the return of 10,000 unorganized dyers to the plants. The manufacturers' representatives at Chicago are Henry J. Tynan, John A. Kane and Charles J. Mandeville. The workers' committee consists of Louis Magnet, James Starr and Thomas F. Morgan. They testified at the hearings in Chicago and are apparently working in amity for a permanent settlement of the dispute. Feeling ran high among the strikers

yesterday over what they called an attempt on the part of the plant managers to trick them into returning to work. Notices had been posted on the mills and published that all workers who returned at 7 A. M. yesterday would be reemployed without question provided they would work fifty hours a week pending the settlement by arbitration. The manufacturers said they were led to this move by the voluntary return of 10,000 dyers.

In the absence of Louis Magnet, Miss Elsie Thonm, secretary of the United Textile Workers Union, sent out quick word to the 17,000 strikers that in no circumstances should they return to work. She said the dyers had not been organized and there was no control over them. Their return did not indicate the strike being broken, she declared. In obedience to her orders the strikers stayed away.

The broad silk manufacturers held a meeting for several hours during the afternoon, but refused to divulge what transpired.

Passaic was treated to a sensation during the day by the appearance of a clergyman, the Rev. Samuel Oliver, pastor of a small Methodist church in Carlinton, as president of a union of handkerchief workers. The union, which was formed of 700 workers of five handkerchief plants who went out during the day and is the first branch of the union formed union of Passaic textile workers.

The Rev. Mr. Oliver has been working for the Acheson Harden Handkerchief Company to supplement his salary as clergyman, and is said to have built up his church considerably by energetic pastoral work after mill hours. Recently a community house was built at Carlinton, a suburb of Passaic, under his direction.

"The first thing the workers in Germany did after the signing of the armistice was to stand for the eight hour day," he said, "and yet we, their conquerors, still insist on ten hours. We cannot discount this demand of workers everywhere."

Passaic police made two arrests in a raid on a Polish print shop, where it was found I. W. W. circulars were being turned out. Most of the 11,500 woolen workers on strike are Poles.

## CARPENTERS RENEW STRIKE FOR \$6.50

Employers Refuse Dollar a Day Increase.

Negotiations between the striking carpenters and the Building Trades Employers' Association failed yesterday. The strike will be resumed Monday morning.

However, the carpenters who had returned to work under the truce will fulfill their agreement and continue their work until Saturday noon, when the agreement expires.

A sympathetic strike of thirty building trades is threatened. The executive council of the building trades department of the American Federation of Labor, with its president, John H. Donlin, presiding, will remove its meeting from Boston to this city to-day to consider whether they will call this sympathetic strike.

When William Hutcheson, president of the United Brotherhood of Carpenters and Joiners demanded an increase of \$1 a day for his men no disposition was shown by representatives of the Employers' Association to grant it. The wage is now \$5.50 a day. Mr. Hutcheson withdrew from the conference. Both sides issued statements. The carpenters said that the Employers' Association "flatly refused to grant the \$1 a day increase," and the Employers' Association said that "the conference came to an end when Mr. Hutcheson stated that the only condition of settlement that he would accept would be the payment to the carpenters of a wage of \$6.50 a day, beginning Monday morning, February 17."

The executive council will meet at the Continental Hotel to-day to decide upon the contemplated sympathetic strike. The Employers' Association said that the strike will not embarrass its members, for they are not doing any building. The unions declared that 34,000 men, some of whom are already idle, will be affected by the sympathetic strike.

## LUSTGARTEN FOUND IN ARMY IN FRANCE

Former Head of Tax Lien Company Enlisted Under False Name.

SUICIDE LETTERS A RUSE

Admitted Misuse of \$700,000 of Company's Funds When He Fled in 1917.

William Lustgarten, who left five letters here saying that he was about to "commit suicide by drowning" in August, 1917, or shortly after the Tax Lien Company, 68 William street, of which Lustgarten was president, went into bankruptcy, has been found in France wearing a soldier uniform and is about to be returned to the authorities here under charges of having misused from \$500,000 to more than \$700,000 of the funds of the Tax Lien Company.

At the time Lustgarten disappeared from New York city he not only left the five letters, but also "planted" evidence to convince every one concerned that he had carried out his suicide threats. A hat said to have been his, marked with the initials "W. L.," was found floating in the waters shortly after his disappearance from his usual haunts.

\$150,000 Insurance Held.

Not long before he faded from view he had taken out a life insurance policy for \$150,000 in favor of the stockholders of his bankrupt tax lien firm. The insurance men, however, held up payment of the policy until the body of the "deceased" Lustgarten had been produced in the meantime local officials and insurance company sleuths began a search for the missing man which, it was said at the District Attorney's office yesterday, had resulted in locating Lustgarten, now a corporal and using an alias, in the ranks of the Engineering Corps of the 309th Regiment in France.

Assistant District Attorney Ferdinand Pecora, who was assigned to the case long ago by District Attorney Swann, said yesterday that after Lustgarten had fled from Manhattan he went first to Fort Leavenworth and enlisted under an assumed name. As Lustgarten had been a lawyer here it soon became evident to army men that he was possessed of intelligence above the average of the men in the ranks, wherefore he was assigned to the Historical Bureau of the War Department at Washington.

When he was lunching in Washington one day two young women, then serving as yeomen in the navy, and formerly residents of Pearl River, N. Y., where Lustgarten had had a summer home, recognized him as the missing man who, they had been told, had killed himself. They accosted him by his right name. When his response showed that he admitted being Lustgarten the two young women made known to the authorities their discovery.

Paranurs Find He Sailed.

By the time, however, that a representative of the receiver of the Tax Lien Company had reached Washington with photographs of Lustgarten, the man had had himself transferred to the engineering corps of the 309th.

From Washington he was sent to Camp Sheridan at Chillicothe, O., then to Camp Mills, next to the port of embarkation at Hoboken, with his pursuers always too many jumps behind to reach him. The sleuths reached Hoboken only to learn that he had sailed for France with his regiment.

He reached the trenches in France about a month before the armistice was signed. Since that time District At-

ney Swann, through his assistant, Mr. Pecora, has been in touch with the Federal authorities in regard to having Lustgarten brought back to this city. It was said yesterday that he will probably reach here in custody within a month.

His wife, who was prostrated for a time after Lustgarten disappeared, later was engaged as private secretary by Mrs. Mary Fels, the widow of the late philanthropist, Joseph Fels, founder of the Fels Fund. For some time Mrs. Lustgarten has been with Mrs. Fels in London, where the widow of the philanthropist has been engaged in directing the work of the fund established by her husband.

Before disappearing Lustgarten made a written confession that he had misused the funds of the Tax Lien Company in order to finance various real estate operations. Judge Hand thereupon appointed Frederick C. Leubacher, Robert Schalkenbach and Frank L. Montague receivers. Schalkenbach had lost \$72,000 in the company and Montague had sunk more than \$20,000 in it.

At the time Lustgarten disappeared his Tax Lien Company was paying more taxes on New York city property than any other firm or person except the Astor estate.

Mine Sinks Dutch Ship.

CHRISTIANIA, Feb. 13.—The Dutch steamship Rijk, Rotterdam to Bergen, struck a mine and sank three miles off the Norwegian coast Wednesday. The crew landed at Christianstad.

## REFUSES TO HALT DEPORTATION ORDER

Court Rules No Proof of Error or Injustice Is Offered.

The writ of habeas corpus for the fifty-three Bolsheviks, I. W. W., anarchists, public charges and plain immoral persons, held for deportation on Ellis Island, was dismissed yesterday by Federal Judge John C. Knox because of lack of any specific proof that injustice or error had been made in the orders of deportation.

It was understood that counsel for the men should examine the records at Washington, and if any ground could be found on which error can be charged they may then make application for individual writs of habeas corpus.

This decision was reached only after a long argument in the Federal Court yesterday in which attorneys for the prisoners attempted to show that the mere fact that a man belongs to the I. W. W. is sufficient to cause his deportation.

None of the attorneys, however, could back this charge up by specific facts

and Ben Matthews, Assistant United States District Attorney, argued and Judge Knox held that a blanket application for a writ of habeas corpus without knowledge of the facts was to be frowned upon.

Judge Knox held that sufficient opportunity must have been given the prisoners at the points where they were first held to enable them to argue their cases, and that he could not presume merely because of the fact that a blanket writ had been produced that the various Federal authorities had been in error in ordering the deportations. Mr. Matthews said that as a matter of fact six of the men now on the island had sued out writs which had been dismissed by courts in the West.

Miss Caroline Lowe, who made the application, said she did not know the men mentioned personally, but that she was acting in her general capacity as counsel for the I. W. W. She and the lawyers acting with her, however, showed that when she went to Ellis Island she was refused permission to see the men and find out which of them wished to fight their deportation. It was shown that after twenty of them had written a letter asking that S. Walter Nelles, now taking part in the Scott Nearing trial, defend them, the letter had been held by Acting Immigration Commissioner Uhl. Mr. Uhl later explained this by saying that the letter had come from the West and he supposed Mr. Nelles knew that the men had asked him to act for them.

Charles Recht, who acted for Mr. Nelles in the hearing, said later that he

would go to Washington to-night or tomorrow and examine the immigration records, and that if he then found evidence to justify it he would ask for individual writs of habeas corpus. He said that he did not think many of the men on Ellis Island now really wished to fight their deportation, but he is positive that some do. Commissioner Uhl also said that fully 50 per cent. of the men want to leave the country.

The chief objection to the writ was that it was being used to gain evidence on which argument could be made, a method which the United States Attorney likened to lawyers visiting hospitals to gain cases. He used the word soliciting, and pointed out that Judge Hand had severely criticized the attorney who acted in a similar case.

The attorneys for the prisoners, however, maintained that the conditions were so peculiar in this case, inasmuch as they had been denied access to men who were clients of their organization's counsel bureau, and to the records in their cases, that they were justified in the method of seeking the writ.

It developed last night that the Bureau of Legal Advice, with headquarters at 118 East Twenty-eighth street, is the organization that took up the case of those who are to be deported. The bureau issued a statement in which it said it did not believe the men being held at Ellis Island had been given their legal rights, and that in all of the cases handled by the bureau it had found the defendants had been given no opportunity to obtain a lawyer or communicate with friends.

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